

**Enrolled Minutes of the One Hundred First Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, December 28, 2015**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 28, 2015 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Mark Herak, Steve Wagner, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the matter of the renewal of the Idea Factory Newsletter and Website services agreement and the fact that Councilor Herak had engaged that firm during the recent election. Councilor Herak disclosed and inquired whether he should abstain. He was advised by the Town Attorney that no conflict existed.

The study session ended at 6:55 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 28, 2015 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Steve Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Dan Vassar, Mark Herak, Steve Wagner, and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Attorney; John Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; and Kathryn A. "Katie" Minchuk, Deputy Clerk-Treasurer were present.

Also present: George Georgeff, Police Commander; Judy Vaughn, Secretary in Public Works; Randy Bowman, Assistant Electrical Inspector; Dave Beanblossom of the Economic Development Commission and James Slagle of the Town Board of Metropolitan Police Commissioners were also present.

Additional Guests: Paul Doherty, Highland Clerk-Treasurer Emeritus; Marsha Novak, Highland Democratic Precinct Chairperson; Hon. Peggy Holinga-Katona, Lake County Treasurer; Irene Holinga, former Lake County Treasurer; and Hon. Frank J. Mrvan, North Township Trustee were also noted as present.

Minutes of the Previous Meeting:

The minutes of the regular meeting of December 14, 2015 were approved by general consent.

Special Orders:

1. **Administration of the Oath of Office for the Clerk-Treasurer and the Five Town Councilors as Officials-elect.** At the municipal election of November 3rd, 2015, Councilor Bernie Zemen, Dan Vassar, Mark Herak, Steve Wagner and Konnie Kuiper were re-elected to the Town Council and Michael W. Griffin was reelected to the office of Clerk-Treasurer. These elections were certified on November 18th, 2015 by the Director of the Lake County Combined Election and Registration Board. **In order to qualify, each officer-elect is required to take the oath of office set forth in IC 5-4-1-1. The official start of the new terms of office is Noon, January 1, 2016.**
- A. Oath of Office for the Seventh Clerk-Treasurer. The Town Clerk-Treasurer offered remarks regarding the import and history of the oath of office. It is noted that pursuant to IC 33-42-4-1(6), the North Township Trustee was authorized and empowered to subscribe and administer oaths of office, as required under IC 5-4-1-1(a).

The Town Council President then introduced Frank J. Mrvan, North Township Trustee, and invited him to administer the oaths of office beginning with Michael Griffin, the 7th Clerk-Treasurer-Elect of Highland. The North Township Trustee administered the oath of office, for which the Clerk-Treasurer offered affirmation.

- B. Presentation of Town Councilors-Elect and Administration of the Oath of Office. The Town Clerk-Treasurer then presented and announced each councilor-elect, to permit each to individually offer the oath of office.
 - The North Township Trustee administered the oath of office to Councilor-elect Bernie Zemen.
 - The North Township Trustee administered the oath of office to Councilor-elect Mark Herak.
 - The North Township Trustee administered the oath of office to Councilor-elect Dan Vassar.
 - The North Township Trustee administered the oath of office to Councilor-elect Steve Wagner.
 - The North Township Trustee administered the oath of office to Councilor-elect Konnie Kuiper.

The North Township Trustee expressed appreciation at being invited to administer the oath of office. He offered words of encouragement and wished the elected officers of the unit well.

Each Councilor and the Clerk-Treasurer were invited to offer remarks of goodwill and appreciation at the service then concluding and the new service in the term effective at noon January 1, 2016. The Clerk-Treasurer and Councilor Kuiper acknowledged the family members present.

Cake was served.

Councilor Kuiper had many guests and family attending. With leave of the Town Council, he absented himself from the meeting in order to assist his family as they departed.

- 2. Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located **3801 Ridge Road, Highland**, to allow use of the property as a residential use and an unknown business use in property which is currently zoned as B-3 General Business District. Petitioner: **Dr. M.A. Rahmany (Owner), 10027 Westminster Lane, Munster**. The Advisory Board of Zoning Appeals by a vote of four (4) in favor and zero (0) opposed acted to **unfavorably recommend the request for the use variance** for the property. The ABZA acted at its meeting of 9 December 2015. The findings of fact were memorialized and accompanying the certification. The board expects to approve the facts in written form at its meeting of 27 January 2016. (*90 days ends 08 March 2016*).
Pursuant to IC 36-7-4-918.6, the Town Council may either accept the unfavorable recommendation and DENY the requested use variance or it may reject (over rule) the unfavorable recommendation and GRANT the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.

The Clerk-Treasurer read aloud the certification from the Advisory Board of Zoning Appeals communicating its actions on the petition.

Councilor Wagner moved to accept the unfavorable recommendation of the Advisory Board of Zoning Appeals and deny the use variance petition. Councilor Zemen seconded. Upon a roll call vote, there four affirmatives and no negatives, with Councilor Kuiper temporarily absented. The motion passed. The use variance petition was denied.

Unfinished Business and General Orders:

- 1. Proposed Enactment No. 2015-64:** An Enactment Authorizing And Approving A Wellness Initiative For The Municipal Workforce The Health And Wellness Program Of The IACT Medical Trust, For Its Participating Members, Establishing A Limited Group Health And Wellness Benefit For Municipal Employees And Their Covered Spouses, And Establishing A Compensatory Incentive Under The Terms Of The Compensation And Benefits Ordinance, Pursuant To IC 36-1-3 And Other Relevant Statutes.

Councilor Wagner introduced and moved the consideration at the same meeting of introduction of Enactment No. 2015-64. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives, with Councilor Kuiper temporarily absented. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Wagner moved the passage and adoption at the same meeting of introduction of Enactment No. 2015-64. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives, with Councilor Kuiper temporarily absented. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Enactment (ordinance)
Enactment No. 2015-64**

AN ENACTMENT AUTHORIZING and APPROVING A WELLNESS INITIATIVE FOR THE MUNICIPAL WORKFORCE THE HEALTH and WELLNESS PROGRAM OF THE IACT MEDICAL TRUST, FOR ITS PARTICIPATING MEMBERS, ESTABLISHING A LIMITED GROUP HEALTH AND WELLNESS BENEFIT FOR MUNICIPAL EMPLOYEES AND THEIR COVERED SPOUSES, AND ESTABLISHING A COMPENSATORY INCENTIVE UNDER THE TERMS OF THE COMPENSATION AND BENEFITS ORDINANCE, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10-8 further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that the establishment of a program for Health and Wellness services for its public workforce, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That there is established for the municipality a program for Health and Wellness services for its public workforce pursuant to and consistent with the provisions of the relevant governing law;

Section 2. That *Community Health Care*, has presented a proposal to operate and provide a program of health and wellness services to the Town of Highland's municipal workforce and covered spouses, who are enrolled in either the PPO or the HDHP of the United Health Care group medical insurance plan, in which *Community Health Care Working Well* will provide delivery of wellness services, particularly in performing health and wellness education sessions, preventative screenings, and related services, subject to a co-pay or an hourly fee, for the primary covered employee, the covered spouse and children (age 18-26), to be paid by the local government;

Section 3. That the Town Council further hereby authorizes and approves the payment of the identified individual session fee, as part of the program, in an amount not to exceed \$150, for covered employee, the covered spouse and children (age 18-26), who also participates in the **health and wellness education sessions**, and finds and determines the session cost to be a reasonable and allowable fee to be paid on behalf of the participants in the group health plan as employees by the Town of Highland as employer;

Section 4. That the Town Council further hereby authorizes and approves the payment of the identified unit fee, as part of the program, in an amount not to exceed \$35, for covered employee, the covered spouse and children (age 18-26), covered by the group health plan, who also participates in the **audiograms (hearing) screenings**, and finds and determines the unit payment to be a reasonable and allowable fee to be paid on behalf of the participants in the group health plan as employees by the Town of Highland as employer;

Section 5. That the Town Council further hereby authorizes and approves the payment of the identified unit fee, as part of the program, in an amount not to exceed \$35, for covered employee, the covered spouse and children (age 18-26), covered by the group health plan, who also participates in the **Memory screenings**, and finds and determines the unit payment to be a reasonable and allowable fee to be paid on behalf of the participants in the group health plan as employees by the Town of Highland as employer;

Section 6. That the Town Council further hereby authorizes and approves the payment of the identified individual session fee, as part of the program, in an amount not to exceed \$500, for the **Mini Health Fair Session**, and finds and determines the session cost to be a reasonable and allowable fee to be paid on behalf of the participants in the group health plan as employees by the Town of Highland as employer;

Section 7. That the Town Council further hereby authorizes and approves the payment of the identified unit fee, as part of the program, in an amount not to exceed \$30 per blood screening and not to exceed \$35 for each corresponding test, for covered employee, the covered spouse and children (age 18-26), covered by the group health plan, who also participates in **basic blood screenings and corresponding age appropriate tests**, and finds and determines the unit cost to be a reasonable and allowable fee to be paid on behalf of the participants of the group health plan as employees by the Town of Highland as employer;

Section 8. (A) That the source of the funding for this program shall be the properly identified appropriation in Office of the Town Council in the Corporation General Fund which is established to support wellness expenses;

(B) That the Clerk-Treasurer shall take the steps necessary to carry out the administration of this program from the fund and account identified herein, including causing any additional appropriations hearing(s) that may be necessary, and properly encumbering the amount of money necessary to cover the liability likely to be incurred under the terms of this ordinance.

(C) That the payment of the fee by the municipality for the covered spouse and children (age 18-26) of a covered employee and the Clerk-Treasurer is subject to sufficiency of appropriations available for expenditure pursuant to I.C. 6-1.1-18.

Section 9. (A) That all employees covered by the group health plan are required to obtain a preventative medical exam with all age-appropriate testing, complete the United Healthcare online health risk assessment (HRA), and participate in one (1) town-sponsored wellness event by **October 31, 2015**;

(B) That any employee that fails to complete the requirements of the wellness plan will pay an increased amount towards the group health insurance benefit;

(C) That in order to incentivize and encourage greater participation by the employees of the municipality, a financial incentive as described in subdivision (D) and (F) of this section shall be authorized;

(D) That the provisions of the Compensation and Benefits Ordinance commonly known as the Municipal Employees handbook, particularly Section §6.03.04 is hereby amended to read as follows:

§ 6.03.04 Employee Contribution for Certain Group Insurance Premiums

All full-time employees and the Clerk-Treasurer shall share the cost of the group health premium, which are to be paid through a salary reduction (payroll deduction) taken as a pre-tax payment according to the terms of a duly authorized IRC Section 125 Plan for the Town of Highland. The amount of the shared premium shall be fixed by ordinance as may be passed from time to time. All employees and elected officers may elect to include dependents under their group coverage.

All full-time employees and the Clerk-Treasurer who elect to participate in the group health insurance shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the employee or the clerk-treasurer for the duration of such coverage. These identified shares only apply to those employees newly hired by the municipality who have not yet had an opportunity to participate in a town-sponsored wellness plan. The identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

Employee Share of Health Insurance Premium

| | |
|--|----------------|
| Employee Single Coverage | 1% of Base Pay |
| Employee With Children | 2% of Base Pay |
| Employee With Spouse | 2% of Base Pay |
| Family Coverage with Spouse and Children | 3% of Base Pay |

Participants in the Town of Highland Wellness Program. All full-time employees and the Clerk-Treasurer who participate in the group health insurance and who have **completed the online health risk assessment (HRA), obtained a medical preventative exam with all age-appropriate testing, and have participated in one (1) Town-sponsored wellness event**, shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the employee or the clerk-treasurer for the duration of such coverage, **at a reduced rate for coverage in the year 2015**. The identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

**Employee Share of Health Insurance Premium
for Wellness Program Participants**

| | |
|--|------------------|
| Employee Single Coverage | .5% of Base Pay |
| Employee With Children | 1.5% of Base Pay |
| Employee With Spouse | 1.5% of Base Pay |
| Family Coverage with Spouse and Children | 2.5% of Base Pay |

Non-Participants in the Town of Highland Wellness Program. All full-time employees and the Clerk-Treasurer who elect to participate in the group health insurance, but **fail to comply with the mandatory requirements of the wellness program**, shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the employee or the clerk-treasurer for the duration of such coverage. **The contribution percentage will be adjusted to that of participants of the Town of Highland wellness program on the first pay after compliance is determined.** The identified share of the group

premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

**Employee Share of Health Insurance Premium
for Non-Participants in the Wellness Program**

| | |
|--|----------------|
| Employee Single Coverage | 2% of Base Pay |
| Employee With Children | 4% of Base Pay |
| Employee With Spouse | 4% of Base Pay |
| Family Coverage with Spouse and Children | 6% of Base Pay |

(E) That the reduced employee group health premium shall be effective and apply to all paydays occurring on or from January 1, 2016 and before January 1, 2017. The amendment to Section 6.03.04 of the Compensation and Benefits Ordinance shall be expire on January 1, 2017. For those employees who received this reduction in a previous year which but for this enactment would be expiring, they are eligible to maintain the reduction provided they participate in the wellness program described in and authorized by this enactment.

Section 10. Subject to the approving action of the Highland Park and Recreation Board, all covered employees who participate in the well program will be eligible to obtain an individual membership at the Highland Parks & Recreation Fitness Center at a modified fee to provide further incentive to participation in the IACT Medical Trust Wellness Program.

Section 11. That this enactment is to be construed as a companion enactment complimentary to any ordinance or enactment passed from time to time establishing compensation and benefits, known as the Compensation and Benefits Ordinance and commonly promulgated as the Municipal Employees Handbook;

(A) That this enactment shall be effective to the extent that it is not in conflict with Federal or State law;

(B) That all other ordinances, enactments and resolutions related to the subject matter of this enactment and not in conflict with its provisions, remain in full force and effect;

Section 12. That this authorization shall be construed as an elective group benefit and not an entitlement;

Section 13. That this enactment shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 28th day of December 2015. Consideration on same day or at same meeting of introduction experienced a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th Day of December 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

2. **Proposed Enactment No. 2015-65:** An Enactment Authorizing and Approving a wellness initiative for the municipal workforce supporting flu vaccinations for full-time workers, firefighters, to be paid at the expense of the municipality as employer, pursuant to I.C. 5-10 et seq; and IC 36-1-3.

Councilor Vassar introduced and moved the consideration at the same meeting of introduction of Enactment No. 2015-65. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives, with Councilor Kuiper temporarily absented. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption at the same meeting of introduction of Enactment No. 2015-65. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives, with Councilor Kuiper temporarily absented. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Enactment (ordinance)
Enactment No. 2015-65**

AN ENACTMENT AUTHORIZING AND APPROVING A WELLNESS INITIATIVE FOR THE MUNICIPAL WORKFORCE SUPPORTING FLU VACCINATIONS FOR FULL-TIME WORKERS, FIREFIGHTERS, TO BE PAID AT THE EXPENSE OF THE MUNICIPALITY AS EMPLOYER, PURSUANT TO I.C. 5-10 ET SEQ; AND IC 36-1-3.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Title 5, Article 10, Chapters 2.2 and 2.6 enables a public employer to provide programs of group health insurance by purchasing policies of group insurance or establishing self-insurance programs.

WHEREAS, Title 36, Article 1, Chapters 3 provides that a unit of local government unit has all powers granted it by statute and all other powers *necessary or desirable* in the conduct of its affairs, even though not granted by statute;

WHEREAS, Title 36, Article 1, Chapters 3 further provides that a unit of local government desiring to exercise powers under IC 36-1-3, must adopt an ordinance prescribing a specific manner for exercising the power;

WHEREAS, The Town Council of the Town of Highland, has been advised of the desirability of establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses; and,

WHEREAS, The Town Council of the Town of Highland, has determined that establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses to be a desirable action that will promote worker wellness and well being and reduce absenteeism due to flu related illness,

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That a wellness initiative authorizing flu shot vaccinations to be paid from public funds as an employer provided benefit is hereby approved and authorized for the following identified groups:

- (A) Full-time members of the municipal workforce and the Clerk-Treasurer;
- (B) Member firefighters of the Highland Fire Department;
- (C) Spouses of full-time members of the municipal workforce, the Clerk-Treasurer and member firefighters of the Highland Fire Department;
- (D) Part-time workers whose are regularly scheduled 30 or more hours and have worked in the current year, including but not limited to the Code Enforcement Officer(s), Utility Field Service Representative, and other workers as defined.

Section 2. That this authorization is effective from January 1, 2016 continuing until its expiration on December 31, 2016 and shall be construed as an elective group benefit and not an entitlement;

Section 3. That this benefit is subject to sufficiency of appropriations available for expenditure in the Office of the Town Council, Corporation General Fund, pursuant to I.C. 6-1.1-18 and shall not exceed the amount of **\$2,500.00**;

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 28th day of December 2015. Consideration on same day or at same meeting of introduction experienced a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th Day of December 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Proposed Ordinance No. 1609:** An Ordinance Authorizing the Transfer of Collected Fund Balance raised in Consequence of Redevelopment Activities, to the Treasurer of the Non Profit Entity Organized to Support the Operation of the Town Theatre, pursuant to IC 36-1-3 et Sequitur, in the amount of \$75.

Councilor Zemen introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1609. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives, with Councilor Kuiper temporarily absented. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of Ordinance No. 1609. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives, with Councilor Kuiper temporarily absented. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

ORDINANCE No.1609
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE AUTHORIZING THE TRANSFER OF COLLECTED FUND BALANCE RAISED IN CONSEQUENCE OF REDEVELOPMENT ACTIVITIES, TO THE TREASURER OF THE NON PROFIT ENTITY ORGANIZED TO SUPPORT THE OPERATION OF THE TOWN THEATRE, PURSUANT TO IC 36-1-3 ET SEQUITUR.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-4(b) expressly provides that a unit has all powers granted to it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, IC 36-1-3-6 (b) (1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body;

WHEREAS, I.C. 36-7-2-7 provides that a unit may promote economic development and tourism;

WHEREAS, I.C. 36-10-2-4 provides that a unit may establish, aid, maintain, and operate Cultural, historical, and community restitution or service facilities and programs;

WHEREAS, The Redevelopment Department, under its powers enumerated in IC 36-7-14-12.2 IC 36-7-25 et seq., undertook a particular redevelopment activity, the rehabilitation and eventual operation of the Town Theater as well as the establishment of an arts and culture district on Kennedy Avenue, and did conduct promotional activities to raise resources aligned with these particular activities;

WHEREAS, The Town of Highland, in furtherance of supporting the rehabilitation of the Town Theater and the establishment of an arts and culture district on Kennedy Avenue, did support the establishment of a non-profit corporation, the Town Theatre, Inc., governed by a non-profit board of directors, which recently adopted by-laws, elected officers, and opened a bank account to support its lawful purposes;

WHEREAS, The municipal fiscal officer has identified the net receipts raised or received in support of the rehabilitation and eventual operation of the Town Theater on deposit to the credit of the Redevelopment General Fund, for which he has sought an appropriation in order to transfer these

resources raised or received to the treasurer of the non-profit body tasked with the operation of the Town Theatre;

WHEREAS, The Town Council has conducted the necessary public hearing and has adopted and approved the additional appropriations in the identified funds of the Redevelopment Department in support of a transfer and remittance to the treasurer of the Town Theatre, Incorporated, of those the net receipts raised or received in support of the rehabilitation and eventual operation of the Town Theater on deposit to the credit of the Redevelopment General Fund; and,

WHEREAS, The Town of Highland, through its Town Council now desires to take the steps necessary to transfer and remit the net receipts raised or received in support of the rehabilitation and eventual operation of the Town Theater on deposit to the credit of the Redevelopment General Fund to the treasurer of the Town Theatre, Incorporated, to support its lawful activities to advance the identified redevelopment activities;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby finds and determines the following:

- (A) That the Town of Highland is a local unit of general government governed by a Town Council which is both the fiscal and legislative body of the Town;
- (B) That IC 36-1-3-4(b) expressly provides that a unit has all powers granted to it by statute and *all other powers necessary or desirable* in the conduct of its affairs, even though not granted by statute;
- (C) That I.C. 36-7-2-7 provides that a unit may promote economic development and tourism;
- (D) That I.C. 36-10-2-4 provides that a unit may establish, aid, maintain, and operate cultural, historical, and community restitution or service facilities and programs;
- (E) That following completion of bank reconciliation, the net receipts raised or received in support of the rehabilitation and eventual operation of the Town Theater on deposit to the credit of certain Funds, identified by the municipal fiscal officer, to the treasurer of the non-profit body tasked with the operation of the Town Theatre, is in the additional amount of seventy five dollars (\$75) on deposit to the credit of the Redevelopment General Fund;
- (F) That the transfer and remittance of the these net receipts raised or received in support of the rehabilitation and eventual operation of the Town Theater on deposit to the credit of the Redevelopment General Fund, for which **book transfer has been approved herein**, to the treasurer of the Town Theatre, Incorporated, to support its lawful activities to advance the previously identified redevelopment activities, is a lawful, necessary and desirable action fully consistent with the Town's express powers of described in IC 36-1-3, IC 36-7-2-7, IC 36-10-2-4, IC 36-7-14-12.2 and IC 36-7-25;

Section 3. That owing to the foregoing findings and determinations, the balance on deposit to the credit of the Redevelopment General Fund in the amount of seventy-five dollars (\$75) be transferred to the treasurer of the **Town Theater Corporation**;

Section 3. That pursuant to IC 36-5-4-12(b)(13):

- (A) **The transfer and remittance authorized by this ordinance are hereby further authorized and defined as payments that may be made in advance of allowance by the Redevelopment Commission, provided that there are approved appropriations against which to post the expenses and all other provisions of IC 36-5-4-6 are observed in the processing of the claim;**
- (B) For the purposes of IC 5-11-10-1.6, this ordinance shall be affixed to any claim filed for payment and will serve as the fully itemized invoice;

Section 4. That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such lawful duties and keep such accounts as to fulfill the purposes and provisions of this ordinance;

Section 5. Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adopted upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 28th day of December 2015. Consideration on First Reading Sustained a vote of 4 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th Day of December 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

At this point in time, Councilor Kuiper rejoined the Town Council meeting.

- 4. Proposed Ordinance No. 1610:** An Ordinance To Amend The Compensation, Benefits And Personnel Program Of The Municipality, To Be Known As The Compensation And Benefits Ordinance Commonly Known as the Employees Handbook, Pursuant To IC 36-1-3 And Other Relevant Statutes, and Amending Some portions of Wage and Salary Ordinance.

Councilor Wagner introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1610. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Wagner moved the passage and adoption at the same meeting of introduction of Ordinance No. 1610. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

ORDINANCE NO. 1610
OF THE
TOWN OF HIGHLAND, INDIANA

AN ORDINANCE TO AMEND THE COMPENSATION, BENEFITS AND PERSONNEL PROGRAM OF THE MUNICIPALITY, TO BE KNOWN AS THE COMPENSATION AND BENEFITS ORDINANCE COMMONLY KNOWN AS THE EMPLOYEES HANDBOOK, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES, AND AMENDING SOME PORTIONS OF WAGE AND SALARY ORDINANCE.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10 in several pertinent chapters further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that certain modifications to the program for compensation, benefits and personnel management for its public workforce, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

WHEREAS, The Town Council now desires to authorize and establish such a compensation, benefits and personnel program;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That *Section 4.04* of the Compensation and Benefits Ordinance Commonly Known as the Municipal Employees Handbook be repealed in its entirety and replaced with a successor section, to be numbered 4.04, which shall read as follows:

§ 4.04 Longevity Pay

All regular full-time employees from all departments who have completed a specified consecutive number of years of service and who have not taken the elective waiver for this benefit will be paid a longevity benefit. Longevity pay will be combined with the regular hourly or bi-weekly rate of pay to create a composite rate of pay. This composite rate of pay will begin and increase, as scheduled beginning with the payroll period in which the associated pay date will be the first ~~full pay period pay date of the month of~~ following the employee's service anniversary date. The composite rate shall be the base rate for the purposes of calculating any overtime premium where such premium applies. For the purposes of establishing the value of the longevity benefit for the purposes of IC 36-8 et seq., the annual longevity benefit will be unchanged. Effective from ~~1999~~ 2016, the annual longevity benefit will be \$2,059.20 or 2,080 times the hourly longevity rate for 20 years. The composite rate for longevity shall be applied according to the following schedule:

| | Hourly | Bi-weekly |
|--|-------------|-----------|
| Completion of 4 consecutive years: base rate plus | 06¢ per hr. | \$ 4.80 |
| Completion of 7 consecutive years: base rate plus | 18¢ per hr. | \$14.40 |
| Completion of 10 consecutive years: base rate plus | 24¢ per hr. | \$19.20 |
| Completion of 13 consecutive years: base rate plus | 29¢ per hr. | \$23.20 |
| Completion of 16 consecutive years: base rate plus | 35¢ per hr. | \$28.00 |
| Completion of 18 consecutive years: base rate plus | 41¢ per hr. | \$32.80 |
| Completion of 20 consecutive years: base rate plus | 50¢ per hr. | \$40.00 |
| Completion of 22 consecutive years: base rate plus | 58¢ per hr. | \$46.40 |

| Years of Service Completed | Current Hourly | Bi-weekly |
|----------------------------------|-------------------|-----------------|
| 1 | \$ 0.07 | \$ 5.60 |
| 2 | \$ 0.12 | \$ 9.60 |
| 3 | \$ 0.17 | \$ 13.60 |
| 4 | \$ 0.22 | \$ 17.60 |
| 5 | \$ 0.27 | \$ 21.60 |
| 6 | \$ 0.32 | \$ 25.60 |
| 7 | \$ 0.37 | \$ 29.60 |
| 8 | \$ 0.42 | \$ 33.60 |
| 9 | \$ 0.47 | \$ 37.60 |
| 10 | \$ 0.52 | \$ 41.60 |
| 11 | \$ 0.57 | \$ 45.60 |
| 12 | \$ 0.62 | \$ 49.60 |

| Years of Service Completed | Current Hourly | Bi-weekly |
|----------------------------------|-------------------|-----------|
|----------------------------------|-------------------|-----------|

| | | | | |
|----|----|------|----|--------|
| 13 | \$ | 0.67 | \$ | 53.60 |
| 14 | \$ | 0.72 | \$ | 57.60 |
| 15 | \$ | 0.77 | \$ | 61.60 |
| 16 | \$ | 0.82 | \$ | 65.60 |
| 17 | \$ | 0.87 | \$ | 69.60 |
| 18 | \$ | 0.92 | \$ | 73.60 |
| 19 | \$ | 0.97 | \$ | 77.60 |
| 20 | \$ | 0.99 | \$ | 79.20 |
| 21 | \$ | 1.07 | \$ | 85.60 |
| 22 | \$ | 1.12 | \$ | 89.60 |
| 23 | \$ | 1.16 | \$ | 92.80 |
| 24 | \$ | 1.18 | \$ | 94.40 |
| 25 | \$ | 1.20 | \$ | 96.00 |
| 26 | \$ | 1.22 | \$ | 97.60 |
| 27 | \$ | 1.24 | \$ | 99.20 |
| 28 | \$ | 1.26 | \$ | 100.80 |
| 29 | \$ | 1.28 | \$ | 102.40 |
| 30 | \$ | 1.30 | \$ | 104.00 |

Elected Officials who have completed a specified number of years of service, and who have not taken the elective waiver for this benefit will be paid a longevity benefit according to the following schedule:

| | |
|------------------------------------|-----------------|
| Completion of 4 consecutive years | \$ 10 per month |
| Completion of 7 consecutive years | \$ 30 per month |
| Completion of 10 consecutive years | \$ 40 per month |
| Completion of 13 consecutive years | \$ 50 per month |
| Completion of 16 consecutive years | \$ 60 per month |
| Completion of 18 consecutive years | \$ 70 per month |
| Completion of 20 consecutive years | \$ 85 per month |
| Completion of 22 consecutive years | \$100 per month |

Section 2. That **Section 8**, subsection (B) of the Wage and Salary Ordinance be repealed in its entirety and replaced with a successor section, to be numbered **Section 8**, subsection (B), which shall read as follows:

Section 8. That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Building and Inspection Department** as follows:

(B) Assistant Inspectors:

Assistant Inspector for Ordinance Enforcement (part-time) \$ 10.45-~~\$25.65~~ per hr.
Assistant Inspector for Electrical (part-time) ~~\$20.65~~ \$ 22.75 - \$30.00 per hr.

Notwithstanding the provisions of Section § 2.05 of the Compensation and Benefits Ordinance, the hourly part-time employees performing enforcement duties are regular part-time employees, however they may regularly work up to 78 hours in a pay period.

Assistant Inspector for Plumbing (part-time) ~~\$15.30~~ **\$16.06** for each one-unit plumbing examination proctored as provided in § Section 15.20.020 (G), and thus hereby amended.

\$21.42 for each inspection performed as described in Section 15.20.020 (G) of the Highland Municipal Code, and thus hereby amended.

Section 3. That, in an effort to close the compensation gap between the position of Clerk-Treasurer and the positions of Police Chief and Public Works Director, **Section 7**, subsection (A) of the Wage and Salary Ordinance be repealed in its entirety and replaced with a successor section, to be numbered **Section 7**, subsection (A), which shall read as follows:

Section 7. That subject to the provisions of this ordinance, the salary and wages for the elected officers, non-elected officers and employees of the Town of Highland are hereby fixed for its Office of the Clerk-Treasurer as follows:

(A) Elected Officer

That the salary of the clerk-treasurer shall be paid biweekly and shall be hereby fixed as set forth below:

(1) That the compensation for a Clerk-Treasurer possessing a graduate level degree in related field granted from an accredited university or college and possessing two or more relevant professional certifications from a generally accepted professional association including but not limited to Indiana League of Municipal Clerks and Treasurers, International Institute of Municipal Clerks, Association of Public Treasurers, Government Finance Officers Association, Society of Management Accountants or the American Society of Public Accounts is hereby fixed as follows:

- (a) Effective from January 3, 2016: \$ 2,940.53 bi-weekly;
- (b) Effective from July 03, 2016: \$ 3,029.02 bi-weekly;
(*The Clerk-Treasurer has 5 certifications and a M.P.A. at date of passage*)

Section 4. That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing wages and rates of pay and known as the salary ordinance;

- (A) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (B) **That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with public employee retirement plans, remain in full force and effect;**
- (C) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;

Section 5. That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced on the 28th day of December 2015. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th Day of December 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. Resolution No. 2015-61: A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection and the Advisory Board of Zoning Appeals Departments of the Corporation General Fund, Authorizing its transfer to the *Unsafe Building Fund*, pursuant to I.C. 36-7-9 et seq.

Councilor Wagner moved the passage and adoption of Resolution No. 2015-61. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN COUNCIL of the TOWN of HIGHLAND
RESOLUTION NO. 2015-61**

A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection Department, Authorizing its transfer to the Unsafe Building Fund, pursuant to I.C. 36-7-9 et seq.

WHEREAS, The Town of Highland by proper legislative action, has established an unsafe building fund, pursuant to IC 36-7-9-14, codified as Section § 210.116 of the Highland Municipal Code;

WHEREAS, Indiana Code 36-7-9-14 (b) provides that money for the unsafe building fund may be received from any source, including appropriations by local, state and federal governments and donations;

WHEREAS, The Town Council did identify appropriations that may be transferred to the Unsafe Building Fund in the budget of the Building and Inspection Department of the Corporation General Fund;

WHEREAS, The Building Commissioner as zoning administrator and responsible officer for the enforcement of the unsafe building law, has requested and recommended the identified amount be transferred to the unsafe building fund;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the **Building and Inspection Department and Plan Commission Department** of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2015 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Building and Inspection Department

| | |
|---|--------------------|
| Reduce Accounts: | |
| Acct. 21001 Gasoline & Oil: | \$ 3,500.00 |
| Acct. 310.04 Tuition & Training: | \$ 800.00 |
| Acct. 33003 Notice of Zoning Change | \$ 350.00 |
| Acct. 39002 Refunds, Awards & Indemnities | \$ 150.00 |
| Acct. 39014 Nuisance Enforcement | <u>\$ 3,500.00</u> |
| Total Reductions: | \$ 8,300.00 |

| | |
|---|-------------|
| Increase Account: | |
| Acct. 310.05 Unsafe Building Fund Transfer: | \$ 8,300.00 |

Plan Commission Department

| | |
|-------------------------------|--------------------|
| Reduce Accounts: | |
| Acct. 310.01 Legal Fees | \$ 2,900.00 |
| Acct. 310.02 Engineering Fees | \$ 4,500.00 |
| Acct. 310.03 Consultant Fees | \$ 47.00 |
| Acct. 320.01 Postage Fees | <u>\$ 450.00</u> |
| Total Reductions: | \$ 7,870.00 |

| | |
|---|-------------|
| Increase/Establish an Account: | |
| Acct. 310.05 Unsafe Building Fund Transfer: | \$ 7,870.00 |

Section 3. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 4. That the Clerk-Treasurer be and is hereby directed to transfer in the following identified amounts **from** the Town of Highland **Building and Inspection Department** and the **Plan Commission Department** of the Corporation General Fund and deposit the transferred proceeds to the credit of the **Unsafe Building Fund** as follows:

CORPORATION GENERAL FUND

| | |
|---|-------------|
| Building and Inspection Department | |
| Acct. 310.05 Unsafe Building Fund Transfer: | \$ 8,300.00 |

| | |
|---|-------------|
| Plan Commission Department | |
| Acct. 310.05 Unsafe Building Fund Transfer: | \$ 7,870.00 |

UNSAFE BUILDING FUND

| | |
|--|---------------------|
| Increase cash (unappropriated) balance on deposit to the fund: | \$ 16,170.00 |
|--|---------------------|

Section 5. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to take such steps as necessary to carry out the purposes of this resolution..

Section 6. That the money transferred may be expended from the Unsafe Building Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

DULY RESOLVED and ADOPTED this 28th Day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

6. **Resolution No. 2015-62:** A Resolution Authorizing a Transfer to the Rainy Day Fund of Identified Monies in the Services and Works Board Department of the Corporation General Fund, pursuant to IC 36-1-8-5.1 et seq.

Councilor Kuiper moved the passage and adoption of Resolution No. 2015-62. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
RESOLUTION NO. 2015-62**

**A RESOLUTION AUTHORIZING A TRANSFER TO THE RAINY DAY FUND OF IDENTIFIED MONIES,
PURSUANT TO IC 36-1-8-5.1 ET SEQ.**

WHEREAS, The Highland Town Council did establish a **Rainy Fund**, by passage and adoption of Ordinance No. 1408, all pursuant to IC 36-1-8-5.1;

WHEREAS, Indiana Code 36-1-8-5.1 (b)(2)(B) further provides that an ordinance establishing a Rainy Day Fund must specify the sources of funding for the rainy day fund, which may include any funding source specified in the adopting ordinance and not otherwise prohibited by law;

WHEREAS, Indiana Code 36-1-8-5.1 (d) provides that in any fiscal year, a political subdivision may transfer under (IC 36-1-8-5) not more than ten percent (10%) of the political subdivision's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the rainy day fund;

WHEREAS, Section §3.45.175 (C) (3) of the Highland Municipal Code provides that sources for the Town's Rainy Day Fund may include: *"An appropriation in the annual budget in the several funds of the municipality as maybe identified and approved by the Town Council, and then transferred to the Rainy Day Fund, subject to the provision of IC 36-1-8-5.1(d);"*

WHEREAS, The Town Council of the Town of Highland has identified an amount, appropriated in the Services and Works Board Department of the General Fund, representing estimated insurance premium savings from FY 2008 and has further determined that there is a need at this time to transfer that amount from the Corporation General Fund to the Rainy Day Fund;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Clerk-Treasurer be and is hereby directed to transfer the following identified amount of **\$43,007.00** from the Town of Highland Services and Works Board Department of the Corporation General Fund to the Rainy Day Fund:

CORPORATION GENERAL FUND

Services and Works Board Department

Acct. 340.15 Transfer to Rainy day Fund **\$43,007.00**

Section 2. That the Town Council finds and determines:

(A) that the total appropriated amount of the budget passed and adopted by the Town Council, under IC 6-1.1-17 for FY 2015 is \$13,202,455, excluding debt service funds, rendering the ten percent (10%) limit to be \$1,320,245.50;

(B) that the amount being transferred, being \$43,007.00 does conform to the statutory limitation provided in IC 36-1-8-5.1(d).

DULY RESOLVED and ADOPTED this 28th Day of December 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

7. **Resolution No. 2015-63:** A Resolution Of The Fiscal Body Of The Town Of Highland Fixing The Official Faithful Performance Bond Of The Municipal Fiscal Officer Pursuant To I.C. 5-4-1 Et Seq.

Councilor Kuiper moved the passage and adoption of Resolution No. 2015-63. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
Town Council Resolution No. 2015-63

A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, The Clerk-Treasurer is required to file an individual surety bond conditioned on the Clerk-Treasurer's faithful performance of the duties of the office of clerk-treasurer, including the duty to comply with I.C. 35-44-1-22 pursuant to I.C. 5-4-1-18(2) with such filing subject to I.C. 5-4-1-9;

WHEREAS, The Highland Town Council now desires to comply with the provisions of law identified herein,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby fixes the Individual surety for the clerk-treasurer for the year 2016 in the amount of Three Hundred Thousand Dollars (**\$300,000**);

Section 2. That the Town Council hereby finds and determines that the subject amount fixed for the bond is established according to the values and thresholds set forth in I.C. 5-4-18(c), which particularly states in pertinent part:

(a) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, that amount being in Fiscal Year 2014 a net revenue of Forty six million, one hundred sixty-six thousand, six hundred eighty-four dollars and twenty-seven cents (\$46,166,684.27) for the purposes of the clerk-treasurer surety; and

(b) The amount may not be less than Thirty Thousand dollars (\$30,000) nor more than Three Hundred Thousand Dollars (\$300,000);

Section 3. That the Clerk-Treasurer be instructed and authorized to procure a surety bond pursuant to this resolution and that the proper officers take such steps as necessary to carry out the objects and purposes of this resolution;

Section 4. That the signature of the proper officer engrossed upon on the surety bond, shall represent the approval by the legislative body as set forth in IC 5-4-1-8(a)(6).

DULY RESOLVED and ADOPTED this 28th Day of December 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

8. **Resolution 2015-66:** Resolution Of The Town Council Of Town Of Highland, Lake County, Indiana Approving The Written Order Of The Highland Plan Commission Issued Pursuant To I.C. 36-7-14-16(A) That Approved Resolution No. 2015-17 Of The Highland Redevelopment Commission Which Amended The Declaratory Resolution That Designated The Highland Commercial Corridors Allocation Area For Purposes Of Tax Increment Financing, In Order To Remove Certain Real Property From Said Allocation Area Provisions Of The Declaratory Resolution, As Forwarded To The Town Council For Its Action Pursuant To IC 36-7-14-16(B).

Councilor Vassar moved the passage and adoption of Resolution No. 2015-66. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
PLAN COMMISSION RESOLUTION NO. 2015-01 AND
WRITTEN ORDER APPROVAL RESOLUTION
RESOLUTION NO. 2015-66

RESOLUTION OF THE TOWN COUNCIL OF TOWN OF HIGHLAND, LAKE COUNTY, INDIANA APPROVING THE WRITTEN ORDER OF THE HIGHLAND PLAN COMMISSION ISSUED PURSUANT TO IC 36-7-14-16(a) THAT APPROVED RESOLUTION NO. 2015-17 OF THE HIGHLAND REDEVELOPMENT COMMISSION WHICH AMENDED THE DECLARATORY RESOLUTION THAT DESIGNATED THE HIGHLAND COMMERCIAL CORRIDORS ALLOCATION AREA FOR PURPOSES OF TAX INCREMENT FINANCING, IN ORDER TO REMOVE CERTAIN REAL PROPERTY FROM SAID ALLOCATION AREA PROVISIONS OF THE DECLARATORY RESOLUTION, AS FORWARDED TO THE TOWN COUNCIL FOR ITS ACTION PURSUANT TO IC 36-7-14-16(b)

WHEREAS, the Highland Redevelopment Commission (the "**Redevelopment Commission**") of the Town of Highland, Lake County Indiana (the "**Town**") as the governing body of the Department of Redevelopment of the Town on July 15, 2015, did approve and adopt its Resolution No. 2015-17, entitled "A RESOLUTION OF THE TOWN OF HIGHLAND, INDIANA REDEVELOPMENT COMMISSION AMENDING THE DECLARATORY RESOLUTION, WHICH DESIGNATED THE HIGHLAND COMMERCIAL CORRIDORS REDEVELOPMENT AREA, APPROVED THE REDEVELOPMENT PLAN FOR THE HIGHLAND COMMERCIAL CORRIDORS REDEVELOPMENT AREA, AND DESIGNATED THE HIGHLAND COMMERCIAL CORRIDORS ALLOCATION AREA FOR PURPOSES OF TAX INCREMENT FINANCING, IN ORDER TO REMOVE CERTAIN REAL PROPERTY FROM SAID ALLOCATION AREA PROVISIONS OF THE DECLARATORY RESOLUTION" (the "**Amending Declaratory Resolution**"); and

WHEREAS, on July 16, 2015, the Commission submitted said Amending Declaratory Resolution and supporting data to the Highland Plan Commission (the "**Plan Commission**") pursuant to IC 36-7-14-16(a) for: (i) consideration whether the Amending Declaratory Resolution conforms to the plan of development for the Town and (ii) determination to approve or disapprove said Amending Declaratory Resolution by issuance of a written order approved by resolution; and

WHEREAS, the Plan Commission did, on December 16, 2015 adopted Resolution No. 2015-01 as its Written Order that: (i) determined that the Amending Declaratory Resolution conforms to the plan of development for the Town, (ii) approved Amending Declaratory Resolution, and (iii) designated said resolution as its Written Order of the Plan Commission approving the Amending Declaratory

Resolution, all as required by the applicable provisions of IC 36-7-14-16(a) (the "Plan Commission Order"); and

WHEREAS, the provisions of IC 36-7-14-16(b) prohibit the Redevelopment Commission from proceeding until the Plan Commission Order is approved by the legislative body of the Town, being the Town Council of the Town; and

WHEREAS, on December 17, 2015, the Plan Commission submitted its Plan Commission Order which included the Amending Declaratory Resolution and supporting data to the Town Council for legislative approval pursuant to IC 36-7-14-16(b); and

WHEREAS, the Town Council as the legislative body of the Town now seeks to approve the Plan Commission Order in order to permit the Redevelopment Commission to proceed with a public hearing on the Amending Declaratory Resolution for consideration of a confirming resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1: The Town Council concurs with the Plan Commission Order dated December 16, 2015 that the Amending Declaratory Resolution conforms to the plan of development of the Town.

Section 2: The Plan Commission Order approving the Amending Declaratory Resolution as submitted to the Town Council is approved in all respects.

Section 3: This Resolution shall take effect, and be in full force and effect, from and after its passage and approval by the Town Council in conformance with applicable law.

Section 4: The Clerk-Treasurer of the Town is hereby directed to: (i) file a copy of this resolution with the minutes of this public meeting of the Town Council, (ii) submit and file a copy of this resolution with the Plan Commission; and (iii) submit and file a copy of this resolution with the Redevelopment Commission, as applicable to the approval process of the Amending Declaratory Resolution.

DULY RESOLVED and ADOPTED this 28th day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 36-5-6-5)

9. **Resolution No. 2015-67:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The **Special Events Non Reverting Fund** and the **Services and Works Board Department of the Corporation General Fund** As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Wagner moved the passage and adoption of Resolution No. 2015-67. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2015-67**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SPECIAL EVENTS NON REVERTING FUND and SERVICES & WORKS DEPARTMENT IN THE CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO I.C. 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories

than were initially appropriated for the various functions of the **Special Events Non Reverting Fund and Services & Works Department in the Corporation General Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Special Events Non Reverting Fund and Services & Works Department in the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SPECIAL EVENTS NON-REVERTING FUND

| | |
|-------------------------------------|-------------------|
| Reduce Account: | |
| #112.02 Medical Sworn Officers | \$ 164.00 |
| <i>Total 100 Series Decreases</i> | \$ 164.00 |
| | |
| Reduce Account: | |
| #386.09 Entertainment | \$ 2,942.00 |
| <i>Total 300 Series Decreases</i> | \$ 2,942.00 |
| | |
| Increase Account: | |
| #200.03 Misc. Supplies | \$3,106.00 |
| <i>Total 200 Series Increases</i> | \$3,106.00 |
| | |
| Total of All Fund Decreases: | \$3,106.00 |
| Total of All Fund Increases: | \$3,106.00 |

CORPORATION GENERAL FUND

| | |
|--|------------------|
| Services & Works Department: | |
| Reduce Account: | |
| #200.03 Misc. Supplies | \$ 538.75 |
| <i>Total 200 Series Decreases</i> | \$ 538.75 |
| | |
| Increase Account: | |
| #340.06 Service & Works Insurance Deductible | \$ 538.75 |
| <i>Total 300 Series Increases</i> | \$ 538.75 |
| | |
| Total of All Fund Decreases: | \$ 538.75 |
| Total of All Fund Increases: | \$ 538.75 |

DULY RESOLVED and ADOPTED this 28th Day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
 HIGHLAND, INDIANA**

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
 Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

10. **Resolution No. 2015-68:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The **Sewage and Administration Department of the Sanitary District Special Operating Fund** As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2015-68. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2015-68**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the ADMINISTRATION & SEWAGE DEPARTMENT in the SANITARY OPERATING FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Administration & Sewage Department in the Sanitary Operating Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Administration & Sewage Department in the Sanitary Operating Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SANITARY OPERATING FUND

Administration & Sewage Department

| | |
|--|--------------------|
| Reduce Accounts: | |
| #430.01 Vehicles | \$ 4,340.00 |
| | |
| <i>Total 400 Series Reductions</i> | \$ 4,340.00 |
| | |
| Increase Accounts: | |
| #111.03 Clerk Treasurer Salary | \$ 1,040.00 |
| #111.25 Facilities Supervisor | \$ 870.00 |
| #111.26 Sanitary District Superintendent | \$ 740.00 |
| #111.26 General Supervisor | \$ 140.00 |
| #111.32 Public Works Director Salary | \$ 740.00 |
| #112.01 FICA/Medicare | \$ 300.00 |
| #112.09 PERF | \$ 400.00 |
| #112.10 PERF Annuity | \$ 110.00 |
| | |
| <i>Total 100 Series Increases</i> | \$ 4,340.00 |
| | |
| Total of All Fund/Department Decreases: | \$ 4,340.00 |
| Total of All Fund/Department Increases: | \$ 4,340.00 |

DULY RESOLVED and ADOPTED this 28th Day of December 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark Herak, President (IC 36-5-2-10)

Attest:
Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

11. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.

The Public Works Director has interviewed and is recommending to the newly created position of Operations Director, the appointment of Mark Knesek, 8118 Grace Street, Highland. The bi-weekly salary is fixed according to your wage and salary ordinance as amended. The effective date of hire is January 4, 2016.

Councilor Vassar moved to approve the appointment and hire of Mark Knesek as Operations Director at the salary of \$2,702.96 bi-weekly. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The appointment and hire were approved.

12. **Works Board Order No. 2015-37:** An Order Of The Works Board Approving And Authorizing Approval of An Agreement with Prompt Medical Transportation, Inc., Service Contract. *(If adopted will approve a three year new agreement with three options for additional renewals.)*

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-37. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2015-37**

AN ORDER of the WORKS BOARD APPROVING and AUTHORIZING A NEW AGREEMENT FOR PROMPT MEDICAL TRANSPORTATION, INC., SERVICE CONTRACT AND APPROVING SOME MODIFICATIONS.

WHEREAS, The Towns of Highland and Munster (TOWNS) received bids in 2004 for the provision of emergency ambulance services, and on January 10, 2005 accepted and awarded the bid as being the lowest responsible bidder to Prompt Medical Transportation, Inc. (PROMPT); and

WHEREAS, The Town Council, acting as the Board of Works for the Town of Highland, pursuant to I.C. 5-22-17-4, desires to concur with the Town of Munster and desires to extend the contract for the provision of emergency ambulance service in accordance with Section KK of the contract; and

WHEREAS, The Munster Board of Safety regularly reviews the performance of Prompt and at its meeting on December 17, 2015 determined that Prompt had met the terms and conditions of the contract and then recommended to the Town Council that exercising the *initial three (3) year extension* was in the best interest of the Town of Munster; and

WHEREAS, The Munster Town Council based upon a recommendation of the Munster Board of Safety, did determine that Prompt met the terms and conditions of the contract approved the *second three (3) year extension*, finding it to be in the best interest of the Town of Munster; and

WHEREAS, The Munster Town Council based upon a recommendation of the Munster Board of Safety, did determine that Prompt met the terms and conditions of the contract and will act to exercise a new agreement, with some modifications to response time, finding it to be in the best interest of the Town of Munster; and

WHEREAS, The Highland Fire Chief and other proper officers regularly review the performance of Prompt and offers that Prompt has met the terms and conditions of the contract and recommends to the Town Council that approving a new agreement is in the best interest of the Town of Highland; and

WHEREAS, Prompt Medical Transportation, Inc., has agreed to the extension and the modifications of terms; and,

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That it is hereby approved that the ambulance service provider extends its agreement through December 31, 2018, with options to renew for additional three year terms;

Section 2. That the Town Council President is hereby authorized to execute a contract extension with Prompt Medical Transportation, Inc., under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of December 2015 having passed by a vote of 5 in favor and 0 opposed.

WORKS BOARD of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

13. **Works Board Order No. 2015-41:** An Order of the Works Board Accepting and Approving a Local Public Agency (LPA) Project Coordination Contract Between the State of Indiana, through its Department of Transportation and the Town of Highland through its Town Council for 45th AVENUE and 5th Street Intersection Improvement Project.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2015-41. Councilor Wagner seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Zemen, Wagner, Herak voting in the affirmative and Councilors Vassar and Kuiper voting in the negative, the motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board 2015-41

AN ORDER OF THE WORKS BOARD ACCEPTING AND APPROVING A LOCAL PUBLIC AGENCY (LPA) PROJECT COORDINATION CONTRACT BETWEEN THE STATE OF INDIANA, THROUGH ITS DEPARTMENT OF TRANSPORTATION AND THE TOWN OF HIGHLAND THROUGH ITS TOWN COUNCIL FOR 45TH AVENUE AND 5TH STREET INTERSECTION IMPROVEMENT PROJECT

Whereas, The Town of Highland, Department of Public Works, as part of its public duties, has responsibility for the management and maintenance of the several public ways, highways, local roads and streets throughout the Town of Highland not otherwise under another Department; and; and

Whereas, The Director of Public Works recommended and the Town Council has determined a need to make intersection improvement to 45th Avenue and 5th Street in order to enhance traffic mobility, public safety, to reduce regulated emissions from protracted idling times and to further carry out the foregoing responsibility; and

Whereas, The proper officer of the Department of Transportation for the State of Indiana has prepared and presented an agreement that would support and provide for **intersection improvement, with added turn lanes, for 45th Avenue and 5th Street in the Town of Highland as a Federal Highway Aid (FHWA) Project;**

Whereas, The Public Works Director now wishes to recommend to the Town Council the favorable review and adoption of the proposed agreement in support of the foregoing;

Whereas, The Town Council now desires to approve, accept and adopt the proposed agreement presented by the Indiana Department of Transportation (INDOT), which provides for intersection improvement, with added turn lanes, for 45th Avenue and 5th Street in the Town of Highland as a Federal Highway Aid (FHWA) Project,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the proposed agreement, a **Local Public Agency (LPA) Project Coordination Contract**, presented by the Indiana Department of Transportation (INDOT) which provides for infrastructure improvements and reconstruction of the portion of Kennedy Avenue from the Hammond City Limits to Ridge Road, carried out as a joint Federal Highway Aid (FHWA) Project, styled as **EDS # A-249-09-320021, Des. No. 0088400** and further styled as a **STP Group I** Project Type, is hereby accepted, approved and adopted in every respect;

Section 2. That the Town Council President, and members of the Town Council are hereby authorized to evidence this approval and execute the agreement by their signatures as attested to by the Clerk-Treasurer;

Section 3. That the proper officers of the municipality are hereby authorized to identify and secure such funds of the municipality that may be lawfully expended in order to support the Town of Highland's funding share and implement the provisions and objects of the agreement.

Section 4. That actions of the proper officers of the municipality taken in advance of the passage and adoption of this order related to the approval of the Local Public Agency (LPA) Project Coordination Contract Between the State of Indiana, through its Department of Transportation and the Town of Highland through its Town Council for Kennedy Avenue Reconstruction Project according to the timetable prescribed by INDOT, is hereby ratified and approved, all pursuant to IC 36-1-4-16.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of December 2015 having passed by a vote of 3 in favor and 2 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

14. **Works Board Order No. 2015-42:** A Resolution and Approving and Authorizing A Supplemental agreement between First Group Engineering, Incorporated and the Town of Highland to perform Design and Right of Way Acquisition and Engineering and professional services in support of the 45th and 5th Street Intersection Improvement Project.

(This should only be taken up if Works Board Order No. 2015-41 is passed and adopted.)

Councilor Wagner moved the passage and adoption of Works Board Order No. 2015-42. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2015-42**

A Resolution and Approving and Authorizing A Supplemental agreement between First Group Engineering, Incorporated and the Town of Highland to perform Design and Right of Way Acquisition and Engineering and professional services in support of the 45th and 5th Street Intersection Improvement Project.

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore determined that a need exists to improve the intersection of 45th Avenue and 5th Street and to procure design engineering services associated with said street reconstruction and other improvements, to be known as the 45th and 5th Street Intersection Improvement Project (Project); and

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), did adopt Works Board Order No. 2014-06, on March 10, 2014, which procured and approved preliminary design and professional engineering services from First Group Engineering, Incorporated, for the 45th and 5th Street Intersection Improvement Project (Project) to provide and furnish the aforementioned services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the scope of engineering services completed as described in the agreement, for additional fees and charges of One Hundred Twenty-eight Thousand Eight Hundred Dollars (\$128,000); and

Whereas, In consequence of the preliminary design and professional engineering services, First Group Engineering, Incorporated has offered and presented a supplemental agreement to complete the preliminary design services set forth in the agreement now in force and to further provide and furnish right of way (ROW) acquisition, supplemental design engineering and professional services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the scope of engineering services completed as described in the agreement, for additional fees and charges of One Hundred Twenty-four Thousand Nine Hundred Dollars (\$124,900); and

Whereas, If approved, the combined fees and charges allowable under the two agreements furnishing preliminary design and professional engineering services as well as right of way (ROW) acquisition, supplemental design engineering and professional services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the scope of engineering services completed as described in the agreements, combined fees and charges of Two Hundred Fifty-two Thousand, Nine Hundred Dollars (\$252,900);

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e) or by the required vote set forth in IC 36-1-12-3.5, the Town Council determines that it is expedient and is in the best public interest to employ these professional engineering services in furtherance of this project; and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board:

Section 1. That the Town Council hereby determines to proceed with a project for the improvement of the intersection of 45th Avenue and 5th Street to be known as the 45th and 5th Street Intersection Improvement Project;

Section 2. That the Town Council hereby affirms its acceptance and approval evidenced by the passage of Works Board Order No. 2014-06, of the proposal of First Group Engineering, Inc. for Professional Engineering and Design Services on the 45th and 5th Street Intersection Improvement Project in the not to exceed fee amount of One Hundred Twenty-eight Thousand Eight Hundred Dollars (\$128,000) having found them to be reasonable and fair;

Section 3. That the Town Council hereby accepts the proposal of First Group Engineering, Inc. for Professional Right of Way Acquisition and supplemental Design Engineering Services on the 45th and 5th Street Intersection Improvement Project;

Section 4. That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of Two Hundred Fifty-two Thousand, Nine Hundred Dollars (\$252,900) are found to be reasonable and fair;

Section 5. That the Supplemental Professional Engineering and Design Services Agreement No. 1, (incorporated by reference and made a part of this Order) between First Group Engineering, Incorporated and the Town of Highland, as a supplemental amendment to the Agreement approved on March 10, 2014, is hereby approved, adopted and ratified in each and every respect;

Section 6. That the terms and charges under the agreement for preliminary design engineering services and supplemental agreement no. 1 in the now combined not to exceed fee amount of Two Hundred Fifty-two Thousand, Nine Hundred Dollars (\$252,900) are found to be reasonable and fair;

Section 7. That the Town of Highland, through its Town Council, believes that First Group Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 8. That pursuant to IC 36-1-12-3.5, having attained a two-thirds vote, the Town Council hereby determines that it is expedient and is in the best public interest to employ these professional engineering services in furtherance of this project;

Section 9. That the contract for professional engineering services is subject to the verification of work status provisions of IC 22-5-1.7, including the inclusion or addendum of the necessary language provided in IC 22-5-1.7-11 and the filing of the appropriate affidavit;

Section 10. That the Town Council President be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be It So Ordered.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board this 28th day of December 2015 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President

Attest:

Michael Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Town Clerk-Treasurer

15. **Works Board Order No. 2015-43:** An Order Authorizing and Approving An agreement between The Idea Factory and the Town of Highland to perform Professional Communications and Media Design and Development services for the Municipality.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-43. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

The Town of Highland
Board of Works
Order of the Works Board No. 2015-43

AN ORDER AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE IDEA FACTORY AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL COMMUNICATIONS AND MEDIA DESIGN AND DEVELOPMENT SERVICES FOR THE MUNICIPALITY

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide greater information to the public regarding the operations and services of the municipality;

Whereas, The Town has heretofore determined that a need exists to engage professional communications and media design and development services to assist and support the provision of greater information to the public regarding the operations and services of the municipality;

Whereas, Robin A. Carlascio and Theresa K. Badovich, d.b.a The Idea Factory, a media development and design, communication consulting alliance, has proposed to provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter;

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section 3.05.090; and

Whereas, There are now or will soon be sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council acting as the Works Board now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the agreement (incorporated by reference and made a part of this Order) between **Robin A. Carlascio** and **Theresa K. Badovich** doing business as the **Idea Factory**, and the Town of Highland, provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter for the period beginning **1 January 2016 through to 31 December 2016** as described herein is hereby approved, adopted and ratified in each and every respect;

Section 2. That the charges under the agreement for the services, in the amount of \$1,750 *per issue*, which include publishing and coordinate a monthly newsletter to be distributed as an insert in the monthly utility invoice and other related services and website maintenance and services in the amount of \$125.00 *per week* are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section 3.05.090 of the municipal code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid to **The Idea Factory**, after presentation of an invoice for services, following their delivery;

Section 4. That the Town Council President be authorized to execute this agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer;

Section 5. That the Town Council President must approve a preliminary edition of the newsletter at least two weeks prior to publication.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of December 2015 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

AGREEMENT

This Agreement made and entered into this 28th day of December 2015, by and between the **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL** (hereinafter referred to as the "Town"), and **ROBIN CARLASCIO and THERESA BADOVICH d/b/a THE IDEA FACTORY** (hereinafter referred to as "Idea Factory").

WITNESSETH THAT:

WHEREAS, The Town is interested engaging the services of Idea Factory for publishing and coordinating a monthly newsletter (Gazebo Express) to be distributed throughout the Town; and

WHEREAS, Idea Factory is interested in entering into such an agreement and engaging its services to publish and coordinate a monthly newsletter within the Town; and

WHEREAS, The parties wish to reduce their agreement to writing;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Idea Factory agrees to publish and coordinate a monthly newsletter (Gazebo Express) to be distributed in the Town of Highland.
2. The term of this Agreement shall be for one (1) year beginning January 1, 2016, through December 31, 2016. This Agreement may be renewed by the Town of Highland from year to year based upon approval of the renewal term by the Town at the beginning of each fiscal year.
3. Idea Factory shall be paid for its services rendered pursuant to this Agreement, the sum of \$1,750.00 per issue **as well as the website maintenance fee of \$125 per week** and the monthly fees shall be payable to The Idea Factory at its business address, **1 Courthouse Square, Suite 207, Crown Point, Indiana 46307.**
4. This Agreement may be cancelled by either party upon such party providing the other party thirty (30) days written notice.
5. In the event the Town's appropriations are insufficient to pay the expenses of this Agreement, and upon thirty (30) days written notice being given by the Town to Idea Factory, this Agreement shall become null and void.
6. This Agreement shall be governed by the laws of the State of Indiana and shall be binding upon the parties' heirs, legal representatives, successors, and assigns.
7. That the Town Council President must approve a preliminary edition of the newsletter at least two weeks prior to publication.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties this 28th day December 2015.

TOWN OF HIGHLAND

THE IDEA FACTORY

By: _____
Mark A. Herak, President

Robin Carlascio

Attest: _____
Michael W. Griffin
Clerk-Treasurer

Theresa Badovich

16. Action on Property, Commercial and other non-health insurance lines for the Town of Highland for FY 2016 as presented by Crowel Insurance Agency. Crowel Insurance Agency has proposed a total cost of **\$244,677.28**, representing \$57,146 for property, \$89,668 for Automobile liability, \$10,293, \$3,000 for Inland Marine/EDP and Wrongful Practices Liability and \$97,245 for Public agency Multi-Class Liability. The prior year was **\$234,093**. The current increase is 4.5%.

Councilor Wagner moved to approve the renewal of the several property, commercial and other non-health insurance lines as presented by Crowel Agency. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives, the motion passed. The insurance lines and renewal were approved.

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Park and Recreation Board; Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Zemen acknowledged the Police Chief who reported that there was an estimated attendance of 400 persons at the recent open house and dedication ceremony for the newly constructed police station.

Councilor Zemen extended Happy New Years wishes.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar wished all a Happy New Year.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison; Information Technology Liaison.*

Councilor Wagner wished all a Happy New Year.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported that specifications for the Fire Rescue Vehicle replacement were completed.

- **Council President Mark Herak:** *Municipal Executive • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

The Town Council President spoke of his recent health challenge and how it has informed his perspective. The Town Council President expressed thanks to Ms. Marsha Novak for her arrangement of the cake and refreshments. He further wished all a Happy New Year.

Comments from Visitors or Residents:

1. Dr. M.H. Rahmany, 10027 Westminster Lane, Munster, who was the petitioner whose petition was denied earlier in the meeting, expressed his frustration with and objection to the disposition of his request. Dr. Rahmany also stated that there were no remonstrances at the hearing before the ABZA.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period December 15, 2015 through December 28, 2015 as well as the payroll docket for the payday of December 11, 2015. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$333,905.80; Motor Vehicle Highway and Street (MVH) Fund, \$64,492.43; Local Road and Street Fund, \$350.09; Law Enforcement Training and Supply Fund, \$1,643.29; Gasoline Agency Fund, \$12,051.63; Information and Communications Technology Fund, \$5,123.10; Special Events Non-reverting Fund, \$4,375.38; Police Pension 1925 Fund, \$890.75; Cumulative Capital Development Fund, \$27,942.44; Traffic Violations and Law Enforcement Agency Fund, \$3,351.00; Gaming Revenue Sharing Fund, \$1,167.43; Corporation Capital Fund, \$2,400.00; Public Safety Income Tax Fund, \$16,461.00; Total: \$ 474,154.34.

Payroll Docket for payday of December 11, 2015:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$14,916.214; Building and Inspection Department, \$8,036.16; Metropolitan Police Department, \$113,054.85; Fire Department, \$3,142.72; Public Works Department (Agency), \$61,771.88 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$200,921.82.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, December 28, 2015 was adjourned at 8:20 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer